

REMARKS

Entry of this amendment is respectfully requested. Claim 17 has been amended to depend on claim 16. Claim 20 has been amended to incorporate language from claim 19 and change its dependency to claim 16. No new matter has been added.

Reconsideration of the Restriction Requirement is respectfully requested.

The Examiner has maintained that two patentably distinct groups of inventions exist in this application, as follows:

Group I: Claims 16-17 and 20-25, drawn to a product of magnesium-zirconium alloy.

Group II: Claim 19, drawn to a method of adding zirconium to magnesium-zirconium alloy.

Applicants provisionally elect with traverse, the invention of Group I, that is claims 16-17 and 20-25.

It is respectfully submitted that a search and examination of the elected claims 16-17 and 20-25 of Group I will overlap a search for the method claim 19 of Group II. This is evident by the fact that elected claim 20 in Group I is a product-by-process claim that incorporates the method language of claim 19. Therefore, a simultaneous search for the claims of Groups I and II would appear to be possible without substantial increase in the search effort.

Since a search of the non-elected claim 19 of Group II appears necessary for a complete search and examination of the elected claims 16-17 and 20-25 of Group I, the search and examination of all claims 16-17, 19 and 20-25 in this application should be conducted without serious burden. Accordingly, it is believed that the guidelines of MPEP §803 are applicable. MPEP §803 states:

*If the search and examination of all the claims in
an application can be made without serious*

burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

In view of the foregoing remarks, reconsideration of the restriction requirement is respectfully requested, and that claims 16-17 and 19-25 be examined in this application.

Respectfully submitted,

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